

SENATE BILL 664

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11r1862
CF HB 841

By: **Senator Middleton**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2011

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations – Dental Hygienists – Nitrous Oxide**

3 FOR the purpose of altering the definition of “practice dental hygiene” for purposes of
4 certain provisions of law governing dental hygienists to include ~~administering~~
5 ~~nitrous oxide and~~ monitoring a patient, under certain circumstances, to whom
6 nitrous oxide is administered; authorizing the State Board of Dental Examiners
7 to adopt certain regulations; ~~altering the authority of the Board to adopt certain~~
8 ~~rules and regulations concerning the administration of certain anesthesia by~~
9 ~~certain dental hygienists;~~ authorizing a dental hygienist, under certain
10 circumstances, to monitor a patient to whom nitrous oxide is administered;
11 requiring a dental hygienist to complete certain educational and examination
12 requirements before performing certain functions; providing for the termination
13 of this Act; and generally relating to the practice of dental hygiene.

14 BY repealing and reenacting, with amendments,
15 Article – Health Occupations
16 Section 4–101(k), ~~and 4–205(a)(1), and 4–206~~
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2010 Supplement)

19 BY adding to
20 Article – Health Occupations
21 Section 4–206.2
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Health Occupations**

4 4–101.

5 (k) “Practice dental hygiene” means to:

6 (1) Perform a preliminary dental examination;

7 (2) Perform a complete prophylaxis, including the removal of any
8 deposit, accretion, or stain from the surface of a tooth or a restoration;

9 (3) Polish a tooth or a restoration;

10 (4) Chart cavities, restorations, missing teeth, periodontal conditions,
11 and other features observed during preliminary examination, prophylaxis, or
12 polishing;

13 (5) Apply a medicinal agent to a tooth for a prophylactic purpose;

14 (6) Take a dental X ray;

15 (7) Perform a manual curettage in conjunction with scaling and root
16 planing;

17 (8) Administer local anesthesia in accordance with § 4–206.1 of this
18 title; [or]

19 (9) ~~ADMINISTER NITROUS OXIDE;~~

20 ~~(10) MONITOR, IN ACCORDANCE WITH § 4–206.2 OF THIS TITLE, A~~
21 ~~PATIENT TO WHOM NITROUS OXIDE IS ADMINISTERED; OR~~

22 [(9)] ~~(11)~~ (10) Perform any other intraoral function that the Board
23 authorizes by a rule or regulation adopted under § 4–206 of this title.

24 4–205.

25 (a) In addition to the powers set forth elsewhere in this title, the Board may:

26 (1) Adopt regulations governing:

27 (i) The administration of general anesthesia by a licensed
28 dentist;

- 1 (ii) The administration of sedation by a licensed dentist;
- 2 (iii) The use of a dental assistant by a licensed dentist in
3 performing intraoral procedures;
- 4 (iv) Subject to subsection (b) of this section, the issuance of a
5 permit to a facility not otherwise regulated where a dentist administers or has general
6 anesthesia or sedation administered;
- 7 (v) Subject to subsection (b) of this section, the issuance of a
8 permit to a dentist who administers or has general anesthesia or sedation
9 administered;
- 10 (vi) Reasonable requirements for the training and evaluation of
11 a dentist before the dentist may administer general anesthesia or sedation other than
12 nitrous oxide administered alone and not in conjunction with:
- 13 1. Another method of diminishing or eliminating pain; or
14 2. Medication used for diminishing or eliminating
15 anxiety;
- 16 (vii) Reasonable requirements for:
- 17 1. The education, training, evaluation, and examination
18 of a dental hygienist before the dental hygienist may perform manual curettage in
19 conjunction with scaling and root planing; and
- 20 2. Performance by a dental hygienist of manual
21 curettage in conjunction with scaling and root planing;
- 22 (viii) Reasonable requirements for:
- 23 1. The education, training, evaluation, and examination
24 of a dental hygienist before the dental hygienist may administer local anesthesia
25 under § 4-206.1 of this subtitle; and
- 26 2. Administering by a dental hygienist of local
27 anesthesia under § 4-206.1 of this subtitle;

28 **(IX) REASONABLE REQUIREMENTS FOR:**

- 29 **1. THE EDUCATION, TRAINING, EVALUATION, AND**
30 **EXAMINATION OF A DENTAL HYGIENIST BEFORE A DENTAL HYGIENIST MAY**
31 ~~**ADMINISTER NITROUS OXIDE TO A PATIENT OR MONITOR A PATIENT TO WHOM**~~

1 NITROUS OXIDE IS BEING ADMINISTERED, SUBJECT TO § 4-206.2 OF THIS
 2 SUBTITLE; AND

3 ~~2. ADMINISTRATION OF NITROUS OXIDE BY A~~
 4 ~~DENTAL HYGIENIST; AND~~

5 ~~3. MONITORING BY A DENTAL HYGIENIST, IN~~
 6 ACCORDANCE WITH § 4-206.2 OF THIS SUBTITLE, OF A PATIENT TO WHOM
 7 NITROUS OXIDE IS BEING ADMINISTERED;

8 [(ix)] (X) The discipline of a holder of any facility or
 9 administration permit for the administration of general anesthesia or sedation; and

10 [(x)] (XI) The release of patient dental records;

11 ~~4-206.~~

12 ~~(a) Except as otherwise provided in this section, the Board may adopt rules~~
 13 ~~and regulations that authorize a licensed dental hygienist to perform additional~~
 14 ~~intraoral functions.~~

15 ~~(b) The Board may not authorize a licensed dental hygienist to:~~

16 ~~(1) Perform a diagnosis;~~

17 ~~(2) Perform an extraction;~~

18 ~~(3) Repair a cavity;~~

19 ~~(4) Correct tooth placement;~~

20 ~~(5) Perform a surgical procedure; or~~

21 ~~(6) Administer anesthesia other than the following:~~

22 ~~(i) Topical anesthesia; [or]~~

23 ~~(ii) Local anesthesia in accordance with § 4-206.1 of this~~
 24 ~~subtitle; OR~~

25 ~~(III) NITROUS OXIDE.~~

26 4-206.2.

27 (A) A DENTAL HYGIENIST MAY MONITOR A PATIENT TO WHOM NITROUS
 28 OXIDE IS ADMINISTERED PROVIDED THE MONITORING OF THE PATIENT IS

1 UNDER THE SUPERVISION OF A DENTIST WHO IS PHYSICALLY PRESENT ON THE
2 PREMISES.

3 (B) BEFORE A DENTAL HYGIENIST MAY MONITOR A PATIENT TO WHOM
4 NITROUS OXIDE IS ADMINISTERED, THE DENTAL HYGIENIST SHALL
5 SUCCESSFULLY COMPLETE THE FOLLOWING:

6 (1) ANY EDUCATIONAL REQUIREMENTS ESTABLISHED BY THE
7 BOARD; AND

8 (2) A WRITTEN AND CLINICAL EXAMINATION AS REQUIRED BY
9 THE BOARD.

10 (C) A DENTAL HYGIENIST SHALL COMPLETE THE EDUCATIONAL
11 REQUIREMENTS ESTABLISHED BY THE BOARD UNDER SUBSECTION (B)(1) OF
12 THIS SECTION THROUGH AN ACCREDITED DENTAL HYGIENE PROGRAM.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2011. It shall remain effective for a period of 3 years and, at the end of
15 September 30, 2014, with no further action required by the General Assembly, this Act
16 shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.